

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2497 of 2021**

Pradip Bagh, Son of Sahabo Bagh, aged about 30 years, R/o. Behind
Police Station Saraswati Nagar, District Raipur (CG)

---Applicant**Versus**

State of Chhattisgarh Through the Station House Officer, Police
Station Bagbahara, District Mahasamund (CG)

---Non-applicant

For Applicant	:	Mr.Shikhar Sharma, Advocate
For Non-applicant	:	Mr.Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

9/4/2021

1. Proceedings of this matter have been taken up through video conferencing.
2. This is second bail application under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.46 of 2020, registered at Police Station-Bagbahara, District-Mahasamund (CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. First bail application of the applicant has been rejected by this Court on merits on 14.9.2020 in M.Cr.C.No.2023/2020.
4. Case of the prosecution, in brief, is that, 345 bulk liters of illicit liquor was seized from possession of the present applicant and other three accused persons and thereby committed the offence.
5. Learned counsel for the applicant submits that the applicant has not committed any offence and he has falsely been implicated in

crime in question. He is in custody since 6.3.2020, it is his first offence and only one year punishment has been prescribed under Section 34(2) of the Chhattisgarh Excise Act. Charges have not been framed till this date and the trial is likely to take time for its conclusion, therefore, the applicant may be released on regular bail.

6. On the other hand, learned counsel for the State opposes the bail application.
7. I have heard counsel appearing for the parties and perused the case diary.
8. Taking into consideration that the applicant is in custody since 6.3.2020 i.e. for more than one year and minimum punishment prescribed under Section 34(2) of the Chhattisgarh Excise Act is one year, considering the fact that charges have not been framed till this date and the trial is likely to take time for its conclusion and keeping in view the COVID-19 situation, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
9. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:
 - That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any excise

offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.

- That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-